

REMARKS

In view of the amendments and discussions to follow, the claims in the application avoid or overcome the rejections in the case, as discussed more fully hereunder. Claims 10-21 which were in the application have been amended by canceling Claims 10 and 11, rewriting Claim 12 in an independent form as suggested by the Examiner. Consequently, Claims 13-21 have been rewritten to depend from Claim 12 instead of Claim 10.

As amended the claims are patentably distinct and are in condition for allowance, with the arguable exception of the 35 USC 112, first paragraph rejection of the claims for failure to allegedly describe the standard of "ISO 1524:1983".

Applicants respectfully submit that the recitation of the claims, in reciting the ISO standard, meet the requirements of 35 USC 112, first paragraph because the ISO standard is so well known that the skilled artisan can readily ascertain the same and make and use the claimed invention.

The test for whether the claims are supported by the disclosure in the application requires a determination of whether the disclosure, when filed, contained sufficient information regarding the subject matter of the claims to enable one skilled in the pertinent art to make and use the claimed invention, without undue experimentation.

Applicants respectfully submit that in this case "ISO 1524:1983" standard, established under the auspices International Organization Standardization, is so well known as to be considered as providing sufficient information regarding the subject matter of the claims. As such, the skilled artisan can readily ascertain, make and use the claimed invention without undue experimentation, In re Angstadt, 190 USPQ 214 (CCPA 1976). Since this standard would be known to the skilled artisan, it is not necessary for Applicants to provide detailed description of the standard, In re Naquin, 158 USPQ 317 (CCPA 1968).

To augment the foregoing, it would be helpful to note that the PTO has accepted the use of ISO standards, as illustrated by the attached US 6,629,976, Claim 7.

In view of the foregoing, Applicants submit that the use of the term "ISO 1524:1983" standard meets the requirements of 35 USC 112, first paragraph.

Mo-6631

-4-

Net: In light of the foregoing amendments and discussions, Applicants submit the claims in the application are patentably distinct and therefore pray for their allowance.

Respectfully submitted, ✓

By



Godfried R. Akorli
Attorney for Applicants
Reg. No. 28,779

Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3061
FACSIMILE PHONE NUMBER:
(412) 777-2612

F:\SHARED\GRA\Mo6631response.doc

Mo-6631

-5-